## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

**DOCKET NO.:** 2007-1463-MWD-E **TCEQ ID:** RN101916666 **CASE NO.:** 34583

**RESPONDENT NAME:** City of Shepherd

ORDER TYPE:		,
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
_AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
	RED: City of Shepherd Wastewater Treatment Facil 759 and State Highway 150, Shepherd, San Jacinto 6	
TYPE OF OPERATION: Wastewater treat	tment facility	
SMALL BUSINESS: Yes X	_No	
	omplaint was received April 29, 2007. The complain dge on the ground. There is no record of additional	
INTERESTED PARTIES: A complaint wa Agenda.	s received but the complainant has not expressed a d	lesire to protest this action or to speak at
COMMENTS RECEIVED: The Texas Reg	gister comment period expired on January 22, 2008.	No comments were received.
TCEQ Enforcement Coordinator Bryan Sinclair, Enforcement Divis Respondent: The Honorable Joe A	or: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, Enforcement, Mr. James Nolan, Enforcement Division, Enforcerion, MC 219, (512) 239-2171  A. Cronin, Mayor Pro-tem, City of Shepherd, P.O. Besented by counsel on this enforcement matter.	ment Team 4, MC 149, (512) 239-6634; Mr.

### VIOLATION SUMMARY CHART: PENALTY CONSIDERATIONS CORRECTIVE ACTIONS VIOLATION INFORMATION TAKEN/REQUIRED' Corrective Actions Taken: Total Assessed: \$8,600 Type of Investigation: X Complaint \_\_\_ Routine The Executive Director recognizes that the Total Deferred: \$1,720 X Expedited Settlement Respondent has installed the repaired Enforcement Follow-up backup pump in the Rolling Hills Lift Records Review Station on September 10, 2007. Financial Inability to Pay Date(s) of Complaints Relating to this **Ordering Provisions:** Case: April 29, 2007 SEP Conditional Offset: \$6,880 Date of Investigation Relating to this Total Paid to General Revenue: \$0 1) The Order will require the Respondent Case: May 15, 2007 to implement and complete a Supplemental Site Compliance History Classification Environmental Project (SEP). Date of NOV/NOE Relating to this Case: High X Average Poor July 12, 2007 (NOE) 2) The Order will also require the Person Compliance History Classification Respondent to: Background Facts: This was a complaint High X Average Poor investigation. a. Within 30 days after the effectively date of Major Source: Yes X No this Agreed Order: WATER Applicable Penalty Policy: September 2002 i. Repair or replace the fence at the 59 1) Failed to prevent the discharge of North Lift Station with an intruder-resistant floating solids from the Facility. fence of either a six foot high fence topped Specifically, grease particulates were with a three-stranded barbed wire outrigger observed discharging to the receiving or an impenetrable eight foot fence; stream [30 Tex. ADMIN. CODE § 305.125(1) and (5), Texas Pollutant ii. Fine grade the 59 North Lift Station so Discharge Elimination System ("TPDES") to provide a safe working environment and Permit No. 11380001, Final Effluent to ensure the valve box is properly Limitations and Monitoring Requirements stabilized: No. 4, and Tex. WATER CODE § 26.121(a)]. iii. Repair or replace the visual high-level alarm at the on-site lift station at the 2) Failed to maintain a firm pumping wastewater treatment plant; and capacity consisting of at least two pumps at the Rolling Hills Lift Station. Specifically, iv. Revise the operation and maintenance one of the two pumps was missing [30 procedures for the Facility and/or the TEX. ADMIN. CODE §§ 305.125(1) and (5) collection system to ensure that all blockage and 317.3(c)(2) and TPDES Permit No. removals and cleaning operations in the 11380001, Operational Requirements No. collection system adequately captures and disposes of all grease and other solids to prevent the discharge of those solids from 3) Failed to operate and maintain the 59 the Facility. North Lift Station. Specifically, two sides of the intruder-resistant fence were not b. Within 60 days after the effective date of installed, and the site grade was not being this Agreed Order, develop and implement maintained to prevent the development of the compliance and enforcement procedures sink holes and uneven ground around the for the Respondent's grease ordinance to lift station [30 Tex. ADMIN. CODE §§ prevent the pass-through of and interference 305.125(1) and (5) and 317.3(e)(4)(C) and from grease at the wastewater treatment TPDES Permit No. 11380001, Operational plant and within the collection system. The Requirements No. 1]. compliance and enforcement plan shall include, at a minimum the following: 4) Failed to maintain the high level alarm light at the wastewater treatment plant lift station [30 Tex. Admin. Code §§

# **RESPONDENT NAME:** City of Shepherd **DOCKET NO.:** 2007-1463-MWD-E

Page 3 of 3

305.125(1) and (5) and 317.3(e)(5) and TPDES Permit No. 11380001, Operational Requirement No. 1].	i. A list of each generator that has or requires a grease trap;
requirement (10, 1].	ii. The pumping schedules for each grease trap;
	iii. Procedures the Respondent will implement to monitor the generator's compliance with the pumping and if the schedules are adequate;
	iv. Types of records to be maintained by each generator and the Respondent; and
	v. Identify the person responsible for overseeing the compliance and enforcement of the grease ordinance.
	c) Within 75 days after the date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.

Additional ID Nos.: Wastewater Permit WQ0011380001

# Attachment A Docket Number: 2007-1463-MWD-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

City of Shepherd

Payable Penalty Amount:

Six Thousand Eight Hundred Eighty Dollars (\$6,880)

**SEP Amount:** 

Six Thousand Eight Hundred Eighty Dollars (\$6,880)

Type of SEP:

Pre-approved

Third-Party Recipient:

Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Wastewater Treatment Assistance

**Location of SEP:** 

San Jacinto County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

### 1. Project Description

### A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

### B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

### C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

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### 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

### 3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

### 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

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City of Shepherd Agreed Order – Attachment A

### 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

### 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

	Penalty Calculation	n Worksheet (P	CW)	
Policy Revision 2 (Sept	_		PCW Revision	June 26, 2007
DATES Assigned PCW	16-Jul-2007 26-Sep-2007 <b>Screening</b> 15-Aug-2007	EPA Due		Control of the Section of the Sectio
RESPONDENT/FACILITY	INFORMATION City of Shepherd			1
Reg. Ent. Ref. No. Facility/Site Region	RN101916666	W	In account	Opening (CO)
CASE INFORMATION	10-beaumont	Major/Minor Source	IMINOF	
Enf./Case ID No.	34583 2007-1463-MWD-E	No. of Violations Order Type		E P
Media Program(s) Multi-Media	Water Quality		Catherine Albrecht EnforcementTeam 1	
Admin. Penalty \$ L	imit Minimum \$0 Maximum	\$10,000		1
	Penalty Calcula	tion Section		
TOTAL BASE PENAL	TY (Sum of violation base penaltie	s) 1	Subtotal 1	\$4,000
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain	TO SUBTOTAL 1 led by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage.		
Compliance Histo	The Respondent has one NOV for same or s		otals 2, 3, & 7	\$4,600
	for other violations, 12 self-reported effluent Orders with denial of lia	violations, and two Agreed		*v
Culpability	No 0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	culpability criteria.		
Good Faith Effort	to Comply 0%  Before NOV NOV to EDPRP/Settlement Offer	Reduction	Subtotal 5	\$0
Extraordinary Ordinary				
N/A	X (mark with x)		· 1	
Notes	The Respondent does not meet the	good faith criteria.		
Approx. 0		Enhancement* at the Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTALS	5 1-7		Final Subtotal	\$8,600
	S JUSTICE MAY REQUIRE  ubtotal by the indicated percentage. (Enter number only,	; e.g30 for -30%.)	Adjustment	\$0
Notes				
	<del>na na mana ana ana ana ana ana ana ana a</del>	Final Pe	nalty Amount	\$8,600
STATUTORY LIMIT A	DJUSTMENT	Final Asse	essed Penalty	\$8,600
DEFERRAL Reduces the Final Assessed Pen	alty by the indicted percentage. (Enter number only; e.g.	20% Reduction . 20 for 20% reduction.)	Adjustment	-\$1,720
Notes	Deferral offered for expedited	d settlement.		
PAYABLE PENALTY				\$6,880

Screening Date 15-Aug-2007

Docket No. 2007-1463-MWD-E

PCW

Policy Revision 2 (September 2002)
PCW Revision June 26, 2007

Adjust.

Enter Number Here

Respondent City of Shepherd

**Case ID No.** 34583

Reg. Ent. Reference No. RN101916666

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

>> Compliance History Site Enhancement (Subtotal 2)

Component Number of...

**Compliance History Worksheet** 

	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	13, 7, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4,	65%	
		Other written NOVs	5	10%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2:4:4	40%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	. 0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	Ö	0%	
	Same and the same	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	One and	0%	
		Plea	se Enter Yes or No		
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Outer	Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	. •	Adjustment P	ercentage (Su	ubtotal 2)	115
lepea	at Violator (Su			Walio .	
	No	Adjustment F	ercentage (Si	ubtotal 3) [	09
omp	oliance History	Person Classification (Subtotal 7)			
	Average P	erformer Adjustment F	ercentage (St	ubtotal 7)	0%
Comp	oliance History	, Summary			
,÷	Compliance History Notes	effluent violations, and two Agreed Orders with denial of liability.	12 self-reported		
		Total Adjustment Percentage	(Subtotals	2, 3, & 7)	115

Screening Date	15-Aug-2007 <b>Docket No.</b> 2007-1463-MWD-E	PCW
		evision 2 (September 2002)
Case ID No.	·	CW Revision June 26, 2007
Reg. Ent. Reference No.		
Media [Statute]		
Enf. Coordinator Violation Number	Catherine Albrecht	
	30 Tex. Admin. Code § 305.125(1) and (5), TPDES Permit No. 11380001, Final	
Rule Cite(s)	Effluent Limitations and Monitoring Requirements No. 4, and Tex. Water Code §	man mile ship a ship and a ship a
	26.121(a)	And a second sec
Violation Description	Failed to prevent the discharge of floating solids from the Facility. Specifically, grease particulates were observed discharging to the receiving stream.	
	Base Penalty	\$10,000
>> Environmental, Property a	nd Human Health Matrix	MODERAL AND CASE
Release	Harm Major Medorato Minor	BENEAL OF CHARLES
OR Actual	Major Moderate Minor	PALACLESIAN
Potential	Percent 10%	made Officiology
ASTRICA SANTASA 1973-11-1987-1-1987-1-1988-1-1981-1-1981-1-1981-1-1981-1-1981-1-1981-1-1981-1-1981-1-1981-1-1981-1-1981-1-198		consist-wife pa
>>Programmatic Matrix Falsification	Major Moderate Minor	i A.A.O Proteinos
Faisilication	Percent 0%	no coma a deservi-
Self-Marie Andre		The state of the s
	prevent the unauthorized discharge of solids in the effluent discharge resulted in the an insignificant amount of contaminants which did not exceed levels protective of human health and the environment.	
	Adjustment \$9,000	en e
· · · · · · · · · · · · · · · · · · ·		Washington (see
		\$1,000
Violation Events		
Number of Vi	olation Events 1	Acignatoric photos
mark only one with an x	daily monthly quarterly x Violation Base Penalty semiannual annual single event	\$1,000
		Workshoot A for the
One quarte	ly event is recommended from the investigation date of May 15, 2007 to the screening date of August 15, 2007.	
Economic Benefit (EB) for th	is violation Statutory Limit Test	
, Estimate	d EB Amount \$997 Violation Final Penalty Total	\$2,150
	This violation Final Assessed Penalty (adjusted for limits)	\$2,150

	www.govr <b>E</b>	conomic E	Benefit W	orks	heet	Self emiresin	
Respondent	City of Shepher	rd				e trata e e e deservicio	
Case ID No.	34583					J. 188	
Reg. Ent. Reference No.	RN101916666						
	Water Quality					Davasus listavas	Years of
Violation No.					1 .	Percent Interest	Depreciation
Violation No.		44.0 Garage		. 965	ad Spainting	5.0	15
				i della di	1.4	Onetime Costs	EB Amount
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	48				Probabilities and	
	control of the second of the second		100				
Delayed Costs	Base 1864. Th				and Affiliate and Tende		
Equipment				0,0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)	\$5,000	15-May-2007	1-Jun-2008	1,0	\$17	\$350	\$367
Engineering/construction	al grant of the state of the st	The agree of the application for	الصفادية والكارية	0,0	\$0	φο	101V \$0
Land	LA			0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling		ia		0,0	\$0	n/a	\$0
Remediation/Disposal	\$12,000	15-May-2007	1-Jun-2008	1.0	\$630	n/a	\$630
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a ing and removal pro	\$0
Notes for DELAYED costs	existing great	se ordinance to prev required is the inv	ent excessive fat estigation date. I	s, óils, a ⁻inal dat	and grease from er te is the projected	ting, monitoring, and tering the collection date of compliance.	system. Date
Avoided Costs		NUALIZE [1] avoide	d costs before e			one-time avoided o	osts)
Disposal	THE Y	المستخورة المستحودا		0,0	<b>\$</b> 0 ,	\$0	\$0
Personnel	rant y de la est seguina de la Objection de la Latin de la companya de la compan		a de la deservación de la companya d	0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling			National Physics	0.0	\$0	\$0	\$0
Supplies/equipment			The second second	0.0	\$0	\$0	\$0 *0
Financial Assurance [2]	Contain the later			0.0	\$0	\$0	\$0 \$0
ONE-TIME avoided costs [3]				0.0	\$0 .	\$0 \$0	\$0 \$0
Other (as needed)				0.0		<u>, an</u>	Ψυ
Notes for AVOIDED costs				erdeg 4			diali dise
0.4460	in to description to	\$17,000	<u> </u>		TOTAL		\$99
Approx. Cost of Compliance		φ17,000			TOTAL	<u> </u>	ψου

Screening Date	15-Aug-2007	<b>Docket No.</b> 2007-1463-MWD-E	PCW
	City of Shepherd	Pol	icy Revision 2 (September 2002)
Case ID No.	34583		PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN101916666		
Media [Statute]	Water Quality		
Enf. Coordinator	Catherine Albrecht		
Violation Number	2		
Rule Cite(s)	30 Tex. Admin. Coo	de §§ 305.125(1) and (5) and 317.3(c)(2) and TPDES Permit No 11380001, Operational Requirements No. 1	1.
Violation Description		a firm pumping capacity consisting of at least two pumps at the ift Station. Specifically, one of the two pumps was missing.	
Stratistical Monthly and Solid Michigan and Committee and American and American American and American American	in confusional and which in a many supplement with Miller and	Base Pena	\$10,000
>> Environmental, Property a	CORPORATE AND A CONTRACTOR OF THE CONTRACTOR AND A STREET	WELFERDOWN DECIDENCE AND A CAMERICAL CAMERICAL SECURITION OF THE ACTUAL PROPERTY OF THE PROPER	
Release	Harı Major Modeı Modeı		
OR Actual		ate Million	
Potential		Percent 10%	
>>Programmatic Matrix			
Falsification	Major Mode	particular desiration of the second s	
	<u> </u>	Percent 0%	
		bumping capacity at a lift station could result in the exposure of a s which may not exceed levels protective of human health and t environment.	
		Adjustment \$9,	000
			£4.000
			\$1,000
Violation Events	e Barrier e minum non de Pareiro		0 13 4 1 20 3 2 4 1
			ARTIS .
Number of Vi	olation Events 1	89 Number of violation days	
		••••••••••••••••••••••••••••••••••••••	
WANTED TO THE PARTY OF THE PART	daily	`	
	monthly	Vi-l-fi B B	alty \$1,000
mark only one with an x	quarterly x semiannual	Violation Base Pen	aity \$1,000
	annual		THE PARTY OF THE P
	single event		
One quarte	erly event is recommer	ded from the investigation date of May 15, 2007 to the screening date of August 15, 2007.	9
. L			
Economic Benefit (EB) for th	nis violation	Statutory Limit Test	
Estimate	d EB Amount	\$57 Violation Final Penalty T	otal \$2,150
		This violation Final Associated Parathy /adjusted for the	nits) \$2,150
		This violation Final Assessed Penalty (adjusted for lin	nts) \$2,100

Reg. Ent. Reference No.	City of Shepher 34583 RN101916666 Water Quality	d				Percent Interest	Years of
Violation No.	•					r ercent interest	Depreciation
	San Campa (	allegeneral (**)	The statement	ALAMAN IN THE STATE OF THE STAT	Land Street	5.0	15
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs			an ett bevo			Pro 1999 Childhan and Alba	
Equipment	\$2,500	15-May-2007	10-Sep-2007	0.3	\$3	\$54	\$57
Buildings	Maria Sustanti	POTENTI NESSEE ACT	ala in Salaha da da	0,0	\$0	\$0	\$0
Other (as needed)	Norman and the second			0.0	\$0	\$0	* <sup>(3</sup> **** <b>\$0</b>
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	The state of the s	and the second		0,0	\$0	n/a	\$0
Training/Sampling			la real de la	0.0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs		Residence State Color		0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	l n/a	\$0
· · · · · · · · · · · · · · · · · · ·	Estimated cos	ts of repairing the s	second pump for t		Part of the Authority of		, village and supply
Notes for DELAYED costs  Avoided Costs  Disposal Personnel			date. Final date	he Rolling is the dentering	ng Hills Lift Station late of compliance item (except for \$0 \$0	one-time avoided o	ne investigation  osts)  \$0  \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			date. Final date	he Rollin is the d ntering 0.0 0.0	ng Hills Lift Station late of compliance item (except for \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs  Disposal  Personnel  Inspection/Reporting/Sampling  Supplies/equipment			date. Final date	he Rolling is the dentering 0.0 0.0 0.0 0.0 0.0	ng Hills Lift Station late of compliance item (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			date. Final date	he Rolling is the dentering 0.0 0.0 0.0 0.0 0.0	ng Hills Lift Station late of compliance item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel Inspection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]  ONE-TIME avoided costs [3]			date. Final date	he Rollin is the d ntering 0.0 0.0 0.0 0.0 0.0 0.0	ng Hills Lift Station late of compliance item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			date. Final date	he Rolling is the dentering 0.0 0.0 0.0 0.0 0.0	ng Hills Lift Station late of compliance item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel Inspection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]  ONE-TIME avoided costs [3]		UALIZE [1] avoide	date: Final date	he Rollin is the d ntering 0.0 0.0 0.0 0.0 0.0 0.0	ng Hills Lift Station late of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoide	date: Final date	he Rollin is the d	ng Hills Lift Station late of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

spiku i ku unjarak bumat da kambajara

. Again that the large probability are sufficiently as  $\mathcal{M}_{\mathcal{A}}$  and the sufficient of the suffin

Screening Date	-	Docket No. 2007-14	·63-MWD <b>-</b> E	PCW
	City of Shepherd		Policy R	Revision 2 (September 2002)
Case ID No.			. P	PCW Revision June 26, 2007
Reg. Ent. Reference No.				111111111111111111111111111111111111111
Media [Statute] Enf. Coordinator				
Violation Number				
Rule Cite(s)	<u> </u>	305.125(1) and (5) and 317.3(e)(4)(C)	and TPDES Permit No.	
Violation Description	Failed to adequately ope two sides of the intruder-	erate and maintain the 59 North Lift St resistant fence were installed, and the e development of sink holes and uneven station.	ation. Specifically, only site grade was not being	
			Base Penalty	\$10,000
>> Environmental, Property a	and Human Health Ma	atrix	A HEROLAND	The state of the s
	Harm		Basantsolis II Militari	
Release OR Actual	Major Moderate	Minor		
Potential	X	Percent	10%	
			10/01	
>>Programmatic Matrix	STEMES TO STATE OF S			
Falsification	Major Moderate	Minor		
The Control of the Control	L	Percent	0%	
		ntain the lift station could result in the exceed levels protective of human hea	alth and the environment.	
			***************************************	.1
				\$1,000
Violation Events	Augusta de la Companya de la Company	Lateria single de la lateria della lateria de la lateria della lateria d	Panelina (C. Carles	274
			NAME AND ADDRESS OF THE OWNER OF THE PERSON	1
Number of Vic	olation Events 1	89Number	of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event		Violation Base Penalty	\$1,000
One quarte		from the investigation date of May 15, late of August 15, 2007.	2007 to the screening	
Economic Benefit (EB) for the	is violation	Statuto	ory Limit Test	
Estimated	d EB Amount	\$338 Viola	ition Final Penalty Total	\$2,150
	A		•	
		This violation Final Assessed Pena	alty (adjusted for limits)	\$2,150

	i diversi E	conomic E	Benefit W	orks	heet	A Copple	5.8
Pesnonder	nt City of Shepher				7/10		
Case ID No		u					
							A 13
Reg. Ent. Reference No					To the Fall of the	F 3044 C	Years of
	ia Water Quality					Percent Interest	Depreciation
Violation No	<b>5.</b> 3	reareas - Nobel Commission (1984)			NESCHALL WATER	J. J. Palitan	a management of the
					apita compression	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Itam Dasarinti	on No commas or \$	open in the party	Property College	roll in	september 1990 in the second	The State of the S	
item bescriptic	Mi No commas or a		Ellin and State (1890)	AND AMERICA		SPRING PLACE AND A	
	al santa la company	STANDARD PREMIONICA (STANDARDA)					
Delayed Cost		ran in a samu al	Tagge Par	0.0	\$0	\$0	\$0
Equipment		Cart Cart Cart Cart Cart	Accepted the second control of the second	0.0	\$0	\$0	\$0
Buildings	7 Nation Car			0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	15-May-2007	1-May-2008	1.0	\$16	\$321	\$338
Engineering/construction Land	\$5,000	10-Way-2007	1-Way 2000	0.0	\$0	n/a	\$0
Record Keeping System		<u> </u>		0.0	\$0	n/a	\$0
	take the second second			0.0	\$0	n/a	\$0
Training/Sampling Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	. n/a	\$0
Notes for DELAYED costs	surrounding the		equired is the inv	estigatio	n date. Final date	is the projected dat	e of compliance
170 Ave. 10.13 200	surrounding the	e lift station. Date r	equired is the inv	estigatio	n date. Final date	is the projected dat	e of compliance
Avoided Cos	surrounding the	e lift station. Date r	equired is the inv	estigatio	n date. Final date  Item (except for  \$0	one-time avoided one-ti	e of compliance
170 Ave. 10.13 200	surrounding the	e lift station. Date r	equired is the inv	estigation entering 0.0 0.0	item (except for \$0 \$0	one-time avoided of \$0	costs)
Avoided Cos Disposal Personnel	surrounding the	e lift station. Date r	equired is the inv	estigation entering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0	costs) \$0 \$0
Avoided Cos Disposal Personnel Inspection/Reporting/Sampling	ts ANN	e lift station. Date r	equired is the inv	entering   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Cos Disposal Personnel	surrounding the	e lift station. Date r	equired is the inv	entering    0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cos Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	surrounding the	e lift station. Date r	equired is the inv	entering   0.0   0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cos Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	surrounding the	e lift station. Date r	equired is the inv	entering    0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cos Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	surrounding the	e lift station. Date r	equired is the inv	entering  0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cos Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	surrounding the	e lift station. Date r	equired is the inv	entering  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Cos Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	surrounding the	e lift station. Date r	equired is the invector of the	entering  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Cos Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	surrounding the	e lift station. Date r	equired is the invector of the	entering  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Cos Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	surrounding the	e lift station. Date r	equired is the invector of the	entering  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Cos Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	surrounding the	e lift station. Date r	equired is the inv	entering  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	is the projected dat  one-time avoided ( \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

Screening Dat	e 15-Aug-2007	<b>Docket No.</b> 2007-1463-MWD-E	PCW
Responden	t City of Shepherd	Policy F	Revision 2 (September 2002)
Case ID No	. 34583	F	CW Revision June 26, 2007
Reg. Ent. Reference No		v.	
Media [Statute	] Water Quality		
	r Catherine Albrecht		
Violation Numbe	<u> </u>		-
Rule Cite(s	30 Tex. Admin.	Code §§ 305.125(1) and (5) and 317.3(e)(5) and TPDES Permit No. 11380001, Operational Requirements No. 1	
Violation Descriptio	n Failed to maintain	the high level alarm light at the wastewater treatment plant lift station.	
STANSFORM		Base Penalty	\$10,000
>> Environmental, Property			
Releas		larm derate Minor	
OR Actu			and a service of the
Potenti	al	X Percent 10%	
10   Superfix   12   12   13   14     Control   12   13   13   14   15   15   15   15   15   15   15			1
>>Programmatic Matrix	Major Mo	do conto	ALL PARTY AND AL
Falsification	n Major Mo	derate Minor Percent 0%	Parameter
		Tercent 070	
		n a lift station could result in the exposure of a significant amount of of exceed levels protective of human health and the environment.	
		60.000	7
		Adjustment \$9,000	<u> </u>
		· ·	\$1,000
Violation Events	residence decident a pr		
Number of \	iolation Events	1 89 Number of violation days	
. Number of V	iolation Events	1 09 Inditibel of violation days	
	daily		•
	monthly		
mark only one		x Violation Base Penalty	\$1,000
with an x	semiannual		
	annual single event		
	single event		
One quar	terly event is recomn	nended from the investigation date of May 15, 2007 to the screening date of August 15, 2007.	
			刊
Economic Benefit (EB) for t	his violation	Statutory Limit Test	Letter and the state of the sta
And the second s		as di Gamaliana (Galle ha Marie Miller de Commendia de Commendia de Commenda de Commendia de Com	
Estimat	ed EB Amount	\$34 Violation Final Penalty Tota	\$2,150
		This violation Final Assessed Penalty (adjusted for limits	\$2,150
than be embedy and a rate action resulting from			, , , , , , ,

Respondent Case ID No.	City of Shepher	conomic F	Benefit W	orks	heet		
Reg. Ent. Reference No.	RN101916666 Water Quality				Away ta ja Away ta ja	Percent Interest	Years of Depreciation
	The second of th				dagaalay A	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	Lague de la companya	terroria.	on, Vala			
Delayed Costs	en isangga (	Paradispid 26	re-intelligence (	25 編 (20 pm)。			
Equipment	\$500	15-May-2007	1-May-2008	1,0	\$2	\$32	\$34
Buildings				0,0	\$0	\$0	\$0
Other (as needed)	and residence life strains	The state of the second of	146 4 156 48	0.0	\$0' 11' 38'	Table \$0080410	\$0
Engineering/construction				0.0	\$0	<u>;</u> \$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System	3, 140, 711 1.29			0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	Complete Com	1 (a.s. 1882)		0.0	\$0	n/a	\$0
Permit Costs	1 (17 (7 (7 (7 (7 (7 (7 (7 (7 (7 (7 (7 (7 (7	TO SECURE OF THE		0.0	\$0	n/a	\$0
Other (as needed)				0.0	,\$0	n/a	\$0
			i da val alama (di di	ann i i i i Machalt	Alift etation Data	required is the inve	etigation data
Notes for DELAYED costs  Avoided Costs  Disposal  Personnel  Inspection/Reporting/Sampling			Final date is the p	entering 0.0 0.0 0.0	e lift station. Date date of compliance item (except for \$0 \$0 \$0	required is the inve	costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN		Final date is the p	entering 0.0 0.0 0.0 0.0	e lift station. Date date of compliance item (except for \$0 \$0 \$0 \$0	required is the inve	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Final date is the p	entering 0.0 0.0 0.0 0.0 0.0 0.0	e lift station. Date date of compliance  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the inve	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN		Final date is the p	entering   0.0   0.0   0.0   0.0   0.0   0.0   0.0	e lift station. Date date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the inve	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		Final date is the p	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	e lift station. Date date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the inve	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	JUALIZE [1] avoid	Final date is the p	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	e lift station. Date date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the inve	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	JUALIZE [1] avoid	Final date is the p	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	e lift station. Date date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the inve	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

## **Compliance History**

Customer/Respondent/Owner-Operator:

CN600656458

City of Shepherd

Classification: AVERAGE

Rating: 8.52

Regulated Entity:

RN101916666

CITY OF SHEPHERD

Classification: AVERAGE

Site Rating: 8.52

ID Number(s):

WASTEWATER WASTEWATER

PERMIT PERMIT REGISTRATION WO0011380001 TPDES0054160

SLUDGE

WASTEWATER LICENSING

LICENSE

22367 WQ0011380001

Location:

Name:

Approximately 1,400 feet northeast of the intersection of US

Rating Date: 9/1/2006 Repeat Violator: NO

Highway 59 and State Highway 150, Shepherd, San Jacinto County

TCEQ Region:

**REGION 10 - BEAUMONT** 

Date Compliance History Prepared:

August 09, 2007

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

August 09, 2002 to August 09, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Phone: (713)767-3672

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? 3. If Yes, who is the current owner? 4. If Yes, who was/were the prior owner(s)?

Catherine Albrecht

Yes Nο N/A

5. When did the change(s) in ownership occur?

N/A N/A

### Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/13/2003

Classification: Moderate ADMINORDER 2002-0065-MLM-E

2C TWC Chapter 20, SubChapter A 26,121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: cond 2(g) PERMIT

Description: Failure to prevent unauthorized discharges.

Classification:

Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(9)(A)

Rqmt Prov: Req 7 PERMIT

Description: Failure to notify TCEQC of an unauthorized discharge w/in the required notification period.

Classification: Moderate

30 TAC Chapter 305, SubChapter F 305,125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Ramt Prov: OR 1 PERMIT

Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP1 PERMIT

Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Moderate

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Ramt Prov: OP 1 PERMIT

Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: req 7(c) PERMIT

Description: Failure to notify the TNRCC Regional Office and the Manager of the Water/MM Section of the Enforcement Division, w/in the required notification period, for exceeding effluent limits.

Classification: Moderate

Citation: 2C TWC Chapter 20, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: 1 PERMIT

Description: Failure to prevent unauthorized effluent discharges which deviated from the permitted effluent limits.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: req 1 PERMIT

Description: Failure to monitor effluent quality as required by the permit.

Classification:

Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: pg 25 sec III G PERMIT

Description: Failure to submit an annual sludge report to the TNRCC Regional Office and TNRCC Database and Administration Team of the Enforcement Division by 9/1 of each yr.

· 我知道: (1) · ,自然地致 海魯蘭 医抗凝聚性致鬱性衰竭性性毒素: (1) · 。

the said and continuous the

Classification: Moderate

30 TAC Chapter 290, SubChapter D 290.44(h)(4)[G] Citation:

30 TAC Chapter 317 317.4(a)(8)

Description: Fallure to conduct the required annual testing of the backflow prevention assembly.

Effective Date: 10/10/2005

ADMINORDER 2004-0738-MWD-E

Classification:

Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Any criminal convictions of the state of Texas and the federal government.

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 08/28/2002 (307225)

2 08/28/2002 (307228)

3 08/28/2002 (307231) 4 08/28/2002 (307234) 5 10/07/2002 (307237)

6 10/08/2002 (247072)

7 10/15/2002 (307240)

8 12/30/2002 (307242)

9 12/30/2002 (307244)

10 01/23/2003 (307246)

11 06/13/2003 (185989)

11 06/13/2003 (185989) 12 06/13/2003 (185986) 13 06/13/2003 (185982) 14 06/13/2003 (185980) 15 08/22/2003 (307229)

16 08/22/2003 (307232)

17 08/22/2003 (307235) 18 10/31/2003 (307238)

19 10/31/2003 (307241)

20 12/05/2003 (307,243)

21 01/14/2004 (307245)

22 01/14/2004 (307247) 23 02/18/2004 (283337)

24 03/15/2004 (307218)

25 03/15/2004 (307223) 26 03/15/2004 (307226)

27 04/07/2004 (267659)

28 06/21/2004 (356785)

29 07/09/2004 (332939)

30 08/04/2004 (356786) 31 08/04/2004 (356787)

32 08/30/2004 (356788)

33 10/25/2004 (356789)

34 10/25/2004 (356790) 35 11/16/2004 (340123)

36 12/09/2004 (356791)

37 03/10/2005 (384477)

38 03/10/2005 (384479)

39 03/15/2005 (392431) 40 03/22/2005 (384478)

41 04/14/2005 (422420)

42 05/03/2005 (379338)

43 06/01/2005 (422421)

44 06/27/2005 (422423)

45 06/30/2005 (422422) 46 07/27/2005 (443360)

47 08/18/2005 (443361)

48 09/08/2005 (431039)

49 10/19/2005 (473151)

50 10/19/2005 (473152)

51 01/03/2006 (473153)

52 01/23/2006 (473155)

53 01/23/2006 (473156)

54 02/24/2006 (496990)

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55 03/01/2006 (473154)
56 03/31/2006 (473148)
57 03/31/2006 (473149)
58 03/31/2006 (473150)
59 07/10/2006 (501363)
60 07/10/2006 (501364)
61 08/10/2006 (523606)
62 08/10/2006 (523607)
63 08/31/2006 (510289)
64 09/27/2006 (548556)
65 10/18/2006 (531017)
66 10/18/2006 (548557)
67 10/20/2006 (513651)
68 12/06/2006 (548558)
69 12/20/2006 (548559)
70 01/10/2007 (548560)
```

### E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/08/2002 (247072)

Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPÈ Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305,125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPÈ Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Classification: Moderate Self Report? NO Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/31/2003 (307229)

Classification: Moderate Self Report? YES 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2003 (307238)

Self Report? YES Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2003 (307241)

Self Report? YES Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2003 (307243)

Self Report? YES Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (356786)

Self Report? YES Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2004 (356787)

Self Report? YES Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/09/2004 (332939)

Self Report? NO Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305,125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 11/17/2004 (340123) Self Report? NO Classification: Minor Ramt Prov: PERMIT OpR 1 Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Classification: Minor Self Report? NO Rgmt Prov: PERMIT OpR 1 Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Classification: Minor Self Report? NO Rgmt Prov: PERMIT OpR 1 Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Self Report? NO Classification: Minor Rgmt Prov: PERMIT M&RR 7.C Description: Fallure to submit noncompliance notification as required by the permit Self Report? NO Classification: Minor Rgmt Prov: PERMIT OpR 1 Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Self Report? NO Classification: Moderate 30 TAC Chapter 305, SubChapter F 305,125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) Rqmt Prov: PERMIT FEL&MR 4 Description: Failure to prevent the discharge of floating solids. Date: 03/15/2005 (392431) Self Report? NO Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Classification: Moderate Self Report? NO Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE Classification: Moderate Self Report? NO 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Date: 01/31/2006 (473148) Classification: Moderate Self Report? YES 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] Citation: Description: Failure to meet the limit for one or more permit parameter Date: 02/24/2006 (496990) Self Report? NO Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Date: 02/28/2006 (473149) Classification: Moderate Self Report? YES 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter Date: 03/31/2006 (473150)

Classification: Moderate Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (501363)

Classification: Moderate Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (501364)

Classification: Moderate Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (523606)

Classification: Moderate Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/18/2006 (531017)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

- F. Environmental audits. N/A
- G. Type of environmental management systems (EMSs). N/A
- H. Voluntary on-site compliance assessment dates. N/A
- I. Participation in a voluntary pollution reduction program.  $\ensuremath{\text{N/A}}$
- J. Early compliance. N/A

Sites Outside of Texas N/A

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF SHEPHERD	Š	
RN101916666	§	ENVIRONMENTAL QUALITY
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### AGREED ORDER DOCKET NO. 2007-1463-MWD-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Shepherd ("the City") under the authority of Tex. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

- 1. The City owns and operates a wastewater treatment facility located approximately 1,400 feet northeast of the intersection of U.S. Highway 59 and State Highway 150 in Shepherd, San Jacinto County, Texas (the "Facility").
- 2. The City has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
- 3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 4. The City received notice of the violations alleged in Section II ("Allegations") on or about July 17, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Eight Thousand Six Hundred Dollars (\$8,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

One Thousand Seven Hundred Twenty Dollars (\$1,720) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty. Six Thousand Eight Hundred Eighty Dollars (\$6,880) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the City has installed the repaired backup pump in the Rolling Hills Lift Station on September 10, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

### II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

- 1. Failed to prevent the discharge of floating solids from the Facility, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and (5), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11380001, Final Effluent Limitations and Monitoring Requirements No. 4, and Tex. WATER CODE § 26.121(a), as documented during an investigation conducted on May 15, 2007. Specifically, grease particulates were observed discharging to the receiving stream.
- 2. Failed to maintain a firm pumping capacity consisting of at least two pumps at the Rolling Hills Lift Station, in violation of 30 Tex. ADMIN. CODE §§ 305.125(1) and (5) and 317.3(c)(2) and TPDES Permit No. 11380001, Operational Requirements No. 1, as documented during an investigation conducted on May 15, 2007. Specifically, one of the two pumps was missing.
- 3. Failed to operate and maintain the 59 North Lift Station, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.3(e)(4)(C) and TPDES Permit No. 11380001, Operational Requirements No. 1, as documented during an investigation conducted on May 15, 2007. Specifically, two sides of the intruder-resistant fence were not installed, and the site grade was not

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being maintained to prevent the development of sink holes and uneven ground around the lift station.

4. Failed to maintain the high level alarm light at the wastewater treatment plant lift station, in violation of 30 Tex. ADMIN. CODE §§ 305.125(1) and (5) and 317.3(e)(5) and TPDES Permit No. 11380001, Operational Requirement No. 1, as documented during an investigation conducted on May 15, 2007.

### III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Shepherd, Docket No. 2007-1463-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Eight Hundred Eighty Dollars (\$6,880) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 30 days after the effectively date of this Agreed Order:
    - i. Repair or replace the fence at the 59 North Lift Station with an intruder-resistant fence of either a six foot high fence topped with a three-stranded barbed wire outrigger or an impenetrable eight foot fence;
    - ii. Fine grade the 59 North Lift Station to provide a safe working environment and to ensure the valve box is properly stabilized;

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- iii. Repair or replace the visual high-level alarm at the on-site lift station at the wastewater treatment plant; and
- iv. Revise the operation and maintenance procedures for the Facility and/or the collection system to ensure that all blockage removal and cleaning operations in the collection system adequately captures and disposes of all grease and other solids to prevent the discharge of those solids from the Facility.
- b. Within 60 days after the effective date of this Agreed Order, develop and implement the compliance and enforcement procedures for the City's grease ordinance to prevent the pass-through of and interference from grease at the wastewater treatment plant and within the collection system. The compliance and enforcement plan shall include, at a minimum the following:
  - i. A list of each generator that has or requires a grease trap;
  - ii. The pumping schedules for each grease trap;
  - iii. Procedures the City will implement to monitor the generator's compliance with the pumping and if the schedules are adequate;
  - iv. Types of records to be maintained by each generator and the City; and
  - v. Identify the person responsible for overseeing the compliance and enforcement of the grease ordinance.
- c. Within 75 days after the date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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City of Shepherd DOCKET NO. 2007-1463-MWD-E Page 5

> Water Section, Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1892

- 4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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### SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	2/7/2008 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

City of Shepherd

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature Date

Joe A. Cronin

Name (Printed or typed)

Authorized Representative of

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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# Attachment A Docket Number: 2007-1463-MWD-E

## SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

City of Shepherd

**Payable Penalty Amount:** 

Six Thousand Eight Hundred Eighty Dollars (\$6,880)

**SEP Amount:** 

Six Thousand Eight Hundred Eighty Dollars (\$6,880)

Type of SEP:

Pre-approved

Third-Party Recipient:

Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Wastewater Treatment Assistance

**Location of SEP:** 

San Jacinto County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

### 1. Project Description

### A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

### B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

### C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

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### 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

### 3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

### 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

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City of Shepherd Agreed Order – Attachment A

### 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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